

**RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY**

**Municipal Police Training Academy**

**Community College of Rhode Island — Flanagan Campus**

**1762 Louisquisset Pike, Lincoln, RI 02865-4585**

**Telephone: (401) 722-5808 — Fax: (401) 722-3151**

**Colonel Steven G. O'Donnell Lieutenant Scott N. Raynes**

**Commissioner, Department of Public Safety Executive Director**

**Superintendent, Rhode Island State Police Municipal Police Training Academy**

**Police Officers Commission on Standards & Training**

**Meeting Minutes**

**Special Meeting**

**September 17, 2015**

**1. Welcome and Roll Call**

**Chief Anthony Pesare called to order the regular meeting of the Police Officers Commission on Standards & Training (POST) at 10:05 a.m. on September 17, 2015 at RI Municipal Police Training Academy, Lincoln, RI.**

**Chief Pesare asked Donna Lavallee to take a roll call. The following POST members were present: Chief Anthony Pesare, Chief David Palmer, Chief Edward Mello and Shawn Brown. Absent from the meeting today is Colonel Steven O'Donnell. Chief Pesare stated a quorum is met. Also present were Lieutenant Scott Raynes, David**

**Ricciarelli, Mr. Richard B. Woolley, Paul Andrews, Donna Lavalley, Captain Ann Assumpico, Paul Dutra, Colonel Stephen Lynch, Chief Brian Sullivan, Colonel Thomas Lee and Chief William Ziehl.**

**2. Request from Chief Pesare to discuss the following items:**

- Standards for Municipal Academy Recruits**
- Statutory Authority of POST regarding lateral hires by police departments**

**Chief Pesare stated that he is constantly receiving phone calls from Chiefs regarding the psychological examinations for recruits and laterals. These issues need to be addressed by the POST. The first issue is that does the POST have the absolute authority to set standards for Psychological examinations. The hope is to gather all the information and devise a policy. The second issue is lateral hires and the uncertainty if the POST has any statutory authority to dictate psychological exams. Chief Pesare has spoken to Dr. Gallagher and she is aware of today's meeting. He extended the invitation to her and also invited all Police Chief's to today's open meeting. He has received three written responses from Colonel MacDonald (Coventry PD), Chief Gary Silva (Newport PD) and Chief Hoxsie (Narragansett PD). These will be added to the record.**

**Chief Pesare has read several articles about Psychological testing and many states have statutory requirements. Thanks to Colonel Lee, he sent an excellent policy from Boston Police.**

**Chief Pesare stated that Dr. Gallagher indicates that what she takes from the IACP guidelines does indicate that a psych of a candidate must be based on job analysis and background investigation.**

**Colonel Lynch stated that his concern is the limitations put on Police Departments as far as date specifications/time limits to accommodate Dr. Gallagher. Timing is difficult and he would like more than one vendor to alleviate this. He feels that the background checks are rushed to accommodate her. He also feels that in her report, it is merely a rehashing of the background check, which he already knows. He feels she should be telling the departments more. Chief Pesare stated that he has heard this from others. He agrees that having a set policy in place would enable another vendor. Captain Assumpico stated that the RISP recently turned in 75 recruits for testing and she believes it is too much for Dr. Gallagher thereby causing issue.**

**Chief Ziehl stated that he hires a lot of laterals and has sent 8 already to be tested. She would not test the latest hire because he was hired and started working under the Conditional Offer of Employment. Colonel Lee agreed and stated he, too, hires laterals and feels there is a need to separate them. He does not feel a recruit needs to be psyched numerous times. Lieutenant Raynes explained that she uses the Job Task Analysis and that she requires the background investigations because she states all municipalities are different.**

However, he further stated that a few years ago, we standardized the background investigation so that everyone follows the same outline.

Chief Mello asked why the Psychological exams expire after one year and Chief Pesare answered that is based on the IACP guidelines. Chief Mello stated there needs to be written policies within the POST and he struggles with the background check differing. He asked if there were different JTA for RISP and Providence and Dave Ricciarelli stated there is only one but there is added material for Providence and RISP. Chief Mello further stated that the POST needs to determine whether or not the POST has control over lateral hires, with exception to out of state and 3-year rule waivers.

Chief Palmer feels that a "Fit for Duty" is more in order for lateral transfers. Mr. Brown suggested that when developing a policy to keep in mind that as you get older, your body changes. Chief Mello states that he feels it is even more important to expand on that Fitness for Duty.

Paul Dutra added that if someone is out on IOD and the Chief wants a Fitness for duty performed, Dr. Gallagher has been too busy at times and they have had to go outside. This is an example as to why a single source vendor is a problem.

Mr. Woolley agrees that the POST has no authority over lateral transfers.

Chief Mello expressed his gratitude to Dr. Gallagher but going

forward, he feels we should open the door to other vendors. Chief Pesare suggested RIMPA being the customer for Psych exams, Chief Mello stated this is something that would only complicate the matter and the issue is a policy needs to be developed.

Chief Pesare thanked everyone for their input and their attendance at the meeting. He made a motion to draft a letter with legal counsel advising them that the POST has no statutory authority for lateral transfers. Chief Mello seconded the motion with discussion. He re-iterated that the POST does not have jurisdiction over lateral transfers. It was decided that the issue best be addressed in the policy and procedure by having a section that would provide Chiefs with best practices regarding lateral hires. The motion was defeated.

Mr. Brown asked that if a policy is in place for Fitness for Duty and they don't adhere to it, does the liability go back to the Trust? Paul Dutra responded that a department would run the risk if they didn't follow best practices. Chief Mello stated he feels it is the responsibility of the POST to ensure a well qualified police officer to the best extent they can and agencies should follow best practice. Paul Dutra stated there is some uncertainty if there is a MOU with URI and if so, is it Null and Void. Mr. Woolley replied that if one is found, the POST should look at it first before devising a policy. He does not recall one. Dave Ricciarelli stated to the best of his knowledge, there is no MOU with URI. Chief Pesare asked Donna Lavallee to research the POST minutes as far back as possible so see if there is any

**mention of an MOU.**

**Chief Pesare made a motion to develop policy and procedures for recruits and lateral transfers. Chief Mello seconded the motion. With all in favor, 4-0, motion passes.**

### **Adjournment**

**Chief Mello made a motion to adjourn the September 17, 2015 POST meeting and Chief Palmer seconded the motion. With all in favor, 4-0, motion carries. Meeting was adjourned at 11:05 a.m.**

**Respectfully submitted,**

**Donna M. Lavallee**

**Administrative Assistant**